

STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2014-02

Legistar #: 20140085

Board of Zoning Appeals Hearing: Monday, February 24, 2014 – 6:00 p.m.

Property Owner: Richard Pugmire
1865 Cobb Parkway, S.E.
Marietta, GA 30060

Applicant: Kevin Rusk
Howell, Rusk, Dodson Architects
3355 Lenox Road
Atlanta, GA 30326

Address: 1865 Cobb Parkway, S.E.

Land Lot: 07310 District: 17 Parcel: 0090

Council Ward: 7A Existing Zoning: CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow the use of ACM (Aluminum Composite Metal) panels on the side of a building facing a roadway. [§ 708.16 (G)(3)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.

3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



1865 Cobb Pkwy South



1865 Cobb Pkwy South

Recommended Action:

Approval. The applicant, Kevin Rusk, is requesting a variance for the Pugmire Lincoln car dealership at 1865 Cobb Parkway South. This variance would allow the installation of aluminum composite metal (ACM) panels on a wall facing a public roadway. The subject property is zoned CRC (Community Retail Commercial). It is bordered to the north, south and east (across Cobb Parkway South) by other properties also zoned CRC.

The proposed project involves the demolition of the used car building, construction of a new car delivery area, and renovation of the front façade, which include the use of ACM (aluminum composite material) panels. Section 708.16.G.3 of the Zoning Ordinance states that “*Building design and materials may be of the developer’s choosing; however, structures which utilize metal siding shall be constructed with brick, stone, rock or wood covering any facade of the building facing a roadway.*” The applicant is requesting a variance to allow ACM panels rather than siding with a textured material that simulates masonry.

This property is located within the Air Installation Compatible Use Zone Overlay District – APZ I. Staff is working with representatives with Dobbins Air Reserve Base and the Federal Aviation Authority to ensure the project is compatible with all applicable regulations.

Both the Marietta Board of Zoning Appeals and City Council have heard and approved requests for similar exterior materials. Below is a list of recent cases.

Case #	Address	Organization
Z2007-15	727 Cobb Parkway South	Marietta Toyota
V2010-22	1250 Atlanta Ind Dr	Atlanta Beverage Company
V2010-25	925 Cobb Parkway South	Team Nissan
V2011-17	2155 Cobb Parkway S	Steve Rayman Chevrolet
V2013-10	2150 Cobb Pkwy S	Buick GMC

Although this property fronts a highly visible and highly traveled arterial corridor within the City of Marietta, a clear and consistent precedent has been set. In addition, the ACM panels provide a modern, attractive design feature, and are not a metal façade typical of industrial buildings. This proposal is substantially similar to the previously noted cases, and as a result, staff recommends approval of this variance request.

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